

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY (CONTINUED) — FRIDAY, APRIL 27, 2001

The house met at 8:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 228).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert; McReynolds; Pickett.

The invocation was offered by Reverend David Green, pastor, Alexander United Methodist and Wesley United Methodist Church, Bryan.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

McReynolds on motion of Hopson.

The following member was granted leave of absence for today because of important business in the district:

Pickett on motion of Hawley.

The following member was granted leave of absence for today because of illness.

Hilbert on motion of McCall.

HR 874 - ADOPTED (by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 874**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 874, Recognizing May 12, 2001, as Duncanville Police Appreciation Day.

HR 874 was adopted without objection.

(Speaker pro tempore in the chair)

CAPITOL PHYSICIAN

The speaker pro tempore recognized Representative Raymond who presented Dr. David Garza of Laredo as the "Doctor for the Day."

The house welcomed Dr. Garza and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Telford requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 9:30 a.m. today, speakers committee room.

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 340 (by Eiland), Congratulating the Reverend L. J. Kimble and the members of the New Macedonia Baptist Church in Hitchcock as they dedicate their new church building.

HR 342 (by Eiland), Honoring William Ward Hooser Sullivan of Galveston for his many accomplishments.

HR 349 (by Alexander), Recognizing February 27, 2001, as Henderson County Day at the State Capitol.

HR 357 (by Krusee, et al.), Commemorating the dedication of the Hopewell Building in the Round Rock Independent School District.

HR 365 (by Gallego), In honor of Bruce Wilson's retirement as sheriff of Pecos County.

HR 370 (by Menendez and Corte), Recognizing May 6-12, 2001, as Brain Tumor Awareness Week.

HR 382 was withdrawn.

HR 405 (by Yarbrough), Congratulating Millard Stewart IV of Houston on attaining the rank of Eagle Scout.

HR 423 (by George), In honor of the Lake Highlands Exchange Club's November 2000 Youth of the Month, Jessica Lowe and Colt Segrest of Dallas.

HR 424 (by George), Honoring Rebecca Brown and Daniel Posada of Dallas, Lake Highlands Exchange Club December 2000 Youth of the Month recipients.

HR 425 (by George), Honoring Catherine Ringer and Taylor Keep of Dallas as the September 2000 Lake Highlands Exchange Club Youth of the Month.

HR 426 (by George), Congratulating Mark Allen and Jaini Shah of Dallas on their selection as October 2000 Exchange Club of Lake Highlands Youth of the Month.

HR 428 (by Chisum), Honoring the 100th anniversary of the founding of Hutchinson County.

HR 429 (by Chisum), Congratulating the citizens of Borger on the town's 75th anniversary.

HR 431 (by Yarbrough), Congratulating Thomas Nathan Jones of Houston on achieving the rank of Eagle Scout.

HR 433 (by Yarbrough), Congratulating Douglas Anthony Franklin on attaining the rank of Eagle Scout.

HR 434 (by Yarbrough), Congratulating Brian Salazar of Houston for achieving the rank of Eagle Scout.

HR 435 (by Hardcastle), Honoring Amanda Coats and her parents, Lynn and Lucrezia Coats of Childress, for their contributions in behalf of Rett Syndrome patients.

HR 460 (by A. Reyna), Congratulating Becky Mendez for receiving a Milken Educator Award.

HR 464 (by Grusendorf), Recognizing May 7, 2001, as Clinical Nutrition Day in Texas.

HR 465 (by Truitt), Honoring the members of Leadership Greater Keller for their community involvement.

HR 475 (by Geren), Congratulating the Texas Christian University Lady Frogs basketball team on winning their first Western Athletic Conference championship.

HR 477 (by Wise), In honor of Richard Rivera of Weslaco earning a Texas Exemplary Superintendent of the Year Award.

HR 486 (by Dutton), Congratulating Twila Rose of Houston on her receipt of an Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 487 (by Dutton), Congratulating Timothy Andre Stingley of Houston on receiving an Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 488 (by Dutton), Honoring Calvin Owens of Houston on his receipt of an Outstanding Texan Award for his achievements in the field of entertainment from the Texas Legislative Black Caucus.

HR 489 (by Dutton), Honoring Officer Howard L. Martin of the Houston Police Department on his receipt of an Outstanding Texan Award from the Texas Legislative Black Caucus for his achievements in the field of public safety.

HR 490 (by Dutton), Honoring the Reverend Fred C. Hoxie, Jr., of Houston on his receipt of an Outstanding Texan Award from the Legislative Black Caucus.

HR 491 (by Dutton), Congratulating Anna Washington Curtis of Houston on receiving an "Outstanding Texan Award" from the Texas Legislative Black Caucus.

HR 492 (by Dutton), Honoring Louis J. Bailey of Houston on her receipt of an Outstanding Texan Award from the Texas Legislative Black Caucus for her achievements in the field of education.

HR 493 (by Dutton), Honoring Edward C. Loche of Houston for being selected as an Outstanding Texan by the Texas Legislative Black Caucus.

HR 531 (by Dukes), Commending First Baptist Church on Heflin Lane for its historic significance to the Austin community and to the State of Texas.

HR 534 (by Dutton), Honoring the 50th reunion of the Phillis Wheatley High School Class of 1951.

HR 536 (by Dutton), Recognizing April 27, 2001, as Autism Awareness Day in Texas.

HR 539 was withdrawn.

HR 544 (by Madden), Congratulating Wylie Fire Chief Shan English on his selection as Texas Fire Chief of the Year.

HR 545 (by Madden), Honoring John Longstreet for his contributions as mayor of Plano.

HR 547 (by Madden), Honoring Dr. Tim Redman on his election to the executive board of the United States Chess Federation.

HR 763 (by McClendon, Shields, and Menendez), Congratulating Alexander E. Briseno on his retirement as city manager of San Antonio.

HR 808 (by Keffer), Honoring veterans of the Vietnam War and supporting the National Vietnam War Museum in Mineral Wells.

HCR 158 (by G. Lewis), Honoring Brenda F. Eddington as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 159 (by G. Lewis), Honoring Patricia Donahue as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 160 (by G. Lewis), Honoring Cletis Cabbil as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 161 (by G. Lewis), Honoring Jennifer L. Collins as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 162 (by G. Lewis), Honoring Norma Garza as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 163 (by G. Lewis), Honoring Linda James as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 164 (by G. Lewis), Honoring Robert Johnson as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 165 (by G. Lewis), Honoring Kay M. Gray as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 166 (by G. Lewis), Honoring Linda Searl-Inglehart as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 167 (by G. Lewis), Honoring Kent R. Wooley as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 168 (by G. Lewis), Honoring Jody Medcalf as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 169 (by G. Lewis), Honoring Janice Pratt as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 170 (by G. Lewis), Honoring Claudier Reece as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 171 (by G. Lewis), Honoring Bertha Thomas-Jones as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 172 (by G. Lewis), Honoring Freida Lee as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 173 (by G. Lewis), Honoring Xavier LaTreace Bailey as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

The resolutions were adopted without objection.

The following memorial resolutions were laid before the house:

HR 647 was withdrawn.

HR 681 (by Delisi), In memory of Helen Estelle Seybold Gillespie of Temple.

HR 684 (by West), In memory of broadcast pioneer Jay H. Mehaffey of Odessa.

HR 688 (by Hochberg), In memory of Mary Edith Marshall of Houston.

HR 689 (by Hochberg), In memory of Dr. Thomas F. Burks II of Houston.

HR 690 (by Hodge), In memory of Zinnie B. Lewis of Dallas.

HR 754 (by Telford), Honoring the memory of Dr. Walter Carlyle Barnes, Jr., of Texarkana.

HR 788 (by Pickett), Honoring the memory of Lynwood Boyer of El Paso.

HCR 232 was withdrawn.

HCR 252 (by Goodman), Honoring the memory of Julian Harris Zimmerman of Austin.

HCR 253 (by Delisi), In memory of Madge Anna Stewart Keeton of Austin.

The resolutions were unanimously adopted by a rising vote.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Corte on motion of Wohlgemuth.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 38).

HR 769 - ADOPTED (by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 769**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 769, Congratulating the Phillis Wheatley High School of San Antonio's Class of 1951 on its 50th class reunion.

HR 769 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative McClendon, who introduced members of the Class of 1951 from Phillis Wheatley High School in San Antonio.

HR 885 - ADOPTED (by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 885**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 885, Honoring Madeline J. Martin on her retirement from the Texas Alcoholic Beverage Commission.

HR 885 was adopted without objection.

INTRODUCTION OF GUEST

The chair recognized Representative Keffer, who introduced his son, Robbie Keffer.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

SB 98 (Maxey and Wohlgemuth - House Sponsors), in lieu of **HB 93**, A bill to be entitled An Act relating to the regulation of certain automated systems used to dispense prescription drugs.

Representative Maxey moved to lay **HB 93** on the table subject to call.

The motion prevailed without objection.

HB 119 (by West), A bill to be entitled An Act relating to the period for filing a petition for a place on the ballot for the board of directors of the Ector County Hospital District.

CSHB 195 (by Najera), A bill to be entitled An Act relating to the analysis of information identifying persons committing or suspected of committing certain property offenses against elderly individuals.

HB 298 (by West), A bill to be entitled An Act relating to the appointment of an assistant administrator for the Ector County Hospital District.

CSHB 548 (by Keffer), A bill to be entitled An Act relating to the conduct of the business of certain surety companies.

HB 560 (by Keffer), A bill to be entitled An Act relating to the liability of certain religious charitable organizations for transportation services provided to certain welfare recipients.

CSHB 602 (by Zbranek), A bill to be entitled An Act relating to the creation and financing of hospital districts in small counties.

CSHB 628 (by Naishtat), A bill to be entitled An Act relating to authorizing a person other than a corporate fiduciary to serve as trustee of certain trusts.

HB 840 (by Hinojosa and Keel), A bill to be entitled An Act relating to a defendant's waiver of arraignment.

SB 301 (Bosse and Carter - House Sponsors), in lieu of **HB 907**, A bill to be entitled An Act relating to the continuation of the Office for the Prevention of Developmental Disabilities.

Representative Bosse moved to lay **HB 907** on the table subject to call.

The motion prevailed without objection.

CSHB 981 (by T. King), A bill to be entitled An Act relating to oil and gas royalty reporting standards.

CSHB 998 (by Hartnett), A bill to be entitled An Act relating to the animal friendly account and advisory committee.

CSHB 1128 (by Rangel), A bill to be entitled An Act relating to the registration period for a truck-tractor or commercial motor vehicle transporting seasonal agricultural products.

CSHB 1348 (by Villarreal), A bill to be entitled An Act relating to a grant program for local workforce development boards to design and implement child-care demonstration projects.

HB 1368 (by Callegari and Green), A bill to be entitled An Act relating to application for registration of vehicles used by nonprofit disaster relief organizations.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Alexander, Representative Callegari offered the following committee amendment to **HB 1368**:

Amend **HB 1368** as follows:

(1) On page , line , after "(2)" insert "a statement signed by an officer of the non-profit disaster relief organization that the vehicle has not been used for any purpose other than emergencies and qualifies for registration under this section; and"

(2) On page , line , reinstate Subdivision "(3)".

Amendment No. 1 was adopted without objection.

HB 1592 (by Kitchen, A. Reyna, et al.), A bill to be entitled An Act relating to a project of an industrial development corporation.

HB 1651 (by Edwards), A bill to be entitled An Act relating to the authority of optometrists and therapeutic optometrists to form certain professional associations.

HB 1680 (by Bosse and P. King), A bill to be entitled An Act relating to the regulation of certain extra job coordinators by the Texas Commission on Private Security.

HB 1681 (by Bosse and Wise), A bill to be entitled An Act relating to the regulation of tow trucks by political subdivisions of this state.

SB 693 (Gutierrez, Raymond, Pickett, Najera, and Gallego - House Sponsors), in lieu of **HB 1700**, A bill to be entitled An Act relating to short-term motor vehicle liability insurance policies for non-Texas resident motorists visiting this state.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Smithee, Representative Gutierrez offered the following committee amendment to **SB 693**:

Amend **SB 693** as follows:

In Section 1, paragraph (3) add a new sub-paragraph as follows:

"(D) is not insurance assigned to an authorized insurance company by the Texas Automobile Insurance Plan Association under Sec. 4(a) of Article 21.81."

Amendment No. 1 was adopted without objection.

Representative Gutierrez moved to lay **HB 1700** on the table subject to call.

The motion prevailed without objection.

SB 862 (T. King - House Sponsor), in lieu of **HB 1731**, A bill to be entitled An Act relating to the exemption from ad valorem taxation for freeport goods.

Amendment No. 1

Representative T. King offered the following amendment to **SB 862**:

Amend **SB 862** as follows:

(1) In SECTION 1 of the bill, in amended Section 11.251 (h), Tax Code, between "owner" and "to" (House Committee Report page 1, line 9), insert "or a person designated in writing by the importer of record".

(2) In SECTION 1 of the bill, in amended Section 11.251 (h), Tax Code, between "owner" and "fails" (House Committee Report page 1, line 11) insert "or designated person".

(3) In SECTION 1 of the bill, in amended Section 11.251 (h), Tax Code, between "owner" and "delivers" (House Committee Report page 1, line 17) insert "or designated person".

Amendment No. 1 was adopted without objection.

Representative T. King moved to lay **HB 1731** on the table subject to call.

The motion prevailed without objection.

HB 1756 was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

CSHB 1799 (by Villarreal), A bill to be entitled An Act relating to long-range planning for higher education.

CSHB 1838 (by Denny), A bill to be entitled An Act relating to the distance between certain pits that are part of quarrying operations and adjacent property.

CSHB 1851 (by J. Jones), A bill to be entitled An Act relating to the examination requirement for licensing as a chemical dependency counselor.

CSSB 739 (Kuempel - House Sponsor), in lieu of **HB 1864**, A bill to be entitled An Act relating to the powers and duties of the board of managers of certain joint municipal and county hospitals.

Representative Elkins moved to lay **HB 1864** on the table subject to call.

The motion prevailed without objection.

HB 1874 (by Cook), A bill to be entitled An Act relating to the filing of an affidavit supporting a criminal charge based on the use of a check or similar sight order.

HB 1925 was withdrawn.

HB 1939 (by Bonnen), A bill to be entitled An Act relating to the fee charged by the Texas Department of Transportation for the Texas Airport Directory.

SB 969 (Smithee - House Sponsor), in lieu of **HB 1944**, A bill to be entitled An Act relating to the Deaf Smith County Hospital District.

Representative Smithee moved to lay **HB 1944** on the table subject to call.

The motion prevailed without objection.

HB 1985 (by Solis), A bill to be entitled An Act relating to the regulation of proprietary schools.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solis, Representative Uresti offered the following committee amendment to **HB 1985**:

Amend **HB 1985** by striking Section 10 on Page 8, line 21 and renumbering subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

HB 1995 (by Marchant), A bill to be entitled An Act relating to encumbrances that may be fixed on homestead property.

HB 1999 (by Cook), A bill to be entitled An Act relating to the authority of a magistrate in certain counties to issue a search warrant for certain property or items.

CSHB 2005 (by Corte and Shields), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Trinity Glen Rose Groundwater Conservation District.

CSHB 2040 (by Hawley), A bill to be entitled An Act relating to defense base development authorities created by certain municipalities.

HB 2049 (by Burnam), A bill to be entitled An Act relating to enforcement by open-enrollment charter schools of laws concerning compulsory school attendance.

CSHB 2054 (by Coleman), A bill to be entitled An Act relating to the mission of Texas Southern University.

CSHB 2092 (by B. Brown), A bill to be entitled An Act relating to the abatement of public nuisances in counties.

HB 2127 (by Craddick), A bill to be entitled An Act relating to unfair discrimination by the issuer of a health benefit plan; providing penalties.

HB 2146 (by Chisum), A bill to be entitled An Act relating to provision of certain health benefit claims information to employers.

Amendment No. 1 (Committee Amendment No. 1)

Representative Chisum offered the following committee amendment to **HB 2146**:

Amend Section 3(b) by adding on page 2, line 17-18 as follows:

(b) Claim information provided under this section shall be either provided in the aggregate or detailed, without information through which a specific individual enrolled in the group health benefit plan may be identified.

Amendment No. 2

On behalf of Representative Maxey, Representative Chisum offered the following amendment to Amendment No. 1:

Amend committee amendment No. 1 to **HB 2146** by striking lines 2-7 and substituting the following:

Amend **HB 2146** (committee printing) as follows:

(1) On page 1, line 7, strike "**CLAIMS**" and substitute "**CLAIM COST**".

(2) On page 2, line 13, strike "**CLAIMS**" and substitute "**CLAIM COST**".

(3) On page 2, line 15, strike "claims experience of the" and substitute "claims cost information for".

(4) Strike page 2, lines 17-20, and substitute the following:

(b) Claims cost information provided under this section may be provided either in the aggregate or on a detailed basis, but may not include:

(1) any information through which a specific individual enrolled in the group health benefit plan may be identified; or

(2) diagnosis codes or other information through which a diagnosis of a specific individual enrolled in the group health benefit plan may be identified.

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

HB 2152 (by Averitt), A bill to be entitled An Act relating to the validity of certain devises or bequests.

HB 2167 (by Keel, Naishtat, Maxey, and Dukes), A bill to be entitled An Act relating to the jurisdiction of the County Court at Law Number 4 of Travis County.

CSHB 2175 (by Hochberg), A bill to be entitled An Act relating to an exemption from ad valorem taxation of property owned by nonprofit corporations that provide chilled water and steam to certain health-related institutions of this state.

SB 1147 (Hamric - House Sponsor), in lieu of **HB 2221**, A bill to be entitled An Act relating to county authority to regulate vehicular or pedestrian gates to and to require building numbers for certain multi-unit housing projects; providing a penalty.

Representative Hamric moved to lay **HB 2221** on the table subject to call.

The motion prevailed without objection.

CSHB 2239 (by Salinas), A bill to be entitled An Act relating to the use of certain photographs for purposes of the sex offender database maintained by the Department of Public Safety.

CSHB 2277 (by Carter), A bill to be entitled An Act relating to contracts by certain educational institutions, state agencies, and local governments for energy conservation measures.

HB 2327 (by Solis), A bill to be entitled An Act relating to the operation, funding, and assessment of local workforce development boards.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solis, Representative Uresti offered the following committee amendment to **HB 2327**:

Amend **HB 2327** by striking "and commission" on page 1, line 8.

Amendment No. 1 was adopted without objection.

CSSB 1171 (Menendez - House Sponsor), in lieu of **HB 2343**, A bill to be entitled An Act relating to authorizing counties to recover certain transaction fees for fines and other charges paid by credit card.

Representative Menendez moved to lay **HB 2343** on the table subject to call.

The motion prevailed without objection.

HB 2350 was withdrawn.

CSHB 2412 (by Ritter), A bill to be entitled An Act relating to ad valorem taxation.

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 2412**:

Amend **CSHB 2412** as follows:

(1) On page 2, strike lines 20-24 and substitute:
information pertaining to the property that the firm considered in appraising the property, including information showing each method of appraisal used to determine the value of the property and all calculations, personal notes, correspondence, and working papers used in appraising the property. This subsection does not apply to information made confidential by Section 22.27, except that the property owner or agent is entitled to inspect and copy any information relating to the owner's property, including otherwise confidential information.

(2) On page 2, strike line 25 and substitute "(d) The appraisal firm shall make information covered by".

(3) On page 3, line 6, strike "entity" and substitute "firm".

(4) On page 3, line 7, between "inspection" and "under Subsection (c)", insert "or copying".

(5) On page 3, line 12, strike "entity" and substitute "firm".

Amendment No. 1 was adopted without objection.

HB 2439 (by Goolsby), A bill to be entitled An Act relating to uses of balances in the inaugural fund.

HB 2459 (by Ehrhardt), A bill to be entitled An Act relating to the composition of the governing board of certain community college districts.

HB 2476 was withdrawn.

HB 2484 (by Wilson), A bill to be entitled An Act relating to the regulation of pari-mutuel racing.

Amendment No. 1

On behalf of Representative Wilson, Representative Yarbrough offered the following amendment to **HB 2484**:

Amend **HB 2484**, beginning on page 1, line 20, by striking SECTION 2 of the bill and renumbering the subsequent SECTIONS appropriately.

Amendment No. 1 was adopted without objection.

CSHB 2532 (by McReynolds and Hopson), A bill to be entitled An Act relating to the water rights permit for the proposed Lake Eastex water supply reservoir project.

CSHB 2557 (by E. Jones), A bill to be entitled An Act relating to the payment of certain judgments.

HB 2580 (by Bosse), A bill to be entitled An Act relating to establishing the enforcement of land use restrictions as a governmental function of a municipality.

CSHB 2602 (by Coleman), A bill to be entitled An Act relating to indigent health care.

SB 743 (Coleman and Rangel - House Sponsors), in lieu of **HB 2603**, A bill to be entitled An Act relating to the tuition charged to certain foreign students enrolled in a graduate public health course in a border county.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Rangel, Representative Coleman offered the following committee amendment to **SB 743**:

Amend **SB 743** as follows:

(1) Add the following new appropriately numbered SECTIONS:

SECTION _____. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.069 to read as follows:

Sec. 54.069. FOREIGN SERVICE OFFICERS. A foreign service officer employed by the United States Department of State and enrolled in an institution of higher education is entitled to pay the tuition and fees at the rates provided for Texas residents if the person is assigned to an office of the department of state that is located in a foreign nation that borders on this state.

SECTION _____. Section 56.053(a), Education Code, is amended to read as follows:

(a) The governing board of each institution shall adopt rules providing for the terms of the loan, subject to the following:

(1) the loan must be repaid over a period not to exceed 90 days for a loan made for a regular semester or long summer session or over a proportionately shorter period for loans made for a six-week summer session;

(2) the loan must be evidenced by a promissory note that bears interest at a rate of not more than five percent per year; and

(3) the maximum loan amount per student may not be greater [less] than an amount equal to the tuition and required fees for the courses in which the student is actually enrolling.

(2) Strike SECTION 2 of the bill and substitute the following appropriately numbered SECTION:

SECTION _____. (a) The change in law made by this Act to Section 54.060, Education Code, applies beginning with tuition charged for the 2001 fall semester.

(b) Section 54.069, Education Code, as added by this Act, applies beginning with tuition charged for the 2001 fall semester.

(c) The change in law made by this Act to Section 56.053, Education Code, applies to each emergency student loan made under Subchapter D, Chapter 56, Education Code, on or after the effective date of this Act.

Amendment No. 1 was adopted without objection.

Representative Coleman moved to lay **HB 2603** on the table subject to call.

The motion prevailed without objection.

HB 2616 (by Solis), A bill to be entitled An Act relating to a prohibition against converting the Queen Isabella Causeway to a turnpike project.

CSHB 2751 (by E. Jones), A bill to be entitled An Act relating to the amount of compensation and allowances for county auditors.

CSHB 2756 (by Ritter), A bill to be entitled An Act relating to the recording of expenditures of revenue from the county hotel occupancy tax.

HB 2761 (by B. Brown), A bill to be entitled An Act relating to the conversion of the Kaufman County Municipal Utility District No. 1 to Kaufman County Levee Improvement District No. 4, operating as a levee improvement district.

CSHB 2784 (by Carter), A bill to be entitled An Act relating to recordkeeping pertaining to incidents involving persons licensed to carry a handgun.

HB 2793 (by Eiland), A bill to be entitled An Act relating to the share of the cost of a coastal erosion response study or project required to be paid by a qualified project partner under an agreement with the commissioner of the General Land Office.

HB 2794 (by Eiland), A bill to be entitled An Act relating to the placement of dredged material on beaches adjacent to navigation inlets and channels.

CSHB 2814 (by Hartnett), A bill to be entitled An Act relating to the operation of statutory probate courts.

CSHB 2817 (by R. Lewis), A bill to be entitled An Act relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating a criminal offense.

HB 2864 (by Sadler), A bill to be entitled An Act relating to the small and mid-sized district adjustment under the public school finance system.

HB 2877 (by Goolsby), A bill to be entitled An Act relating to the operations, powers, and duties of the State Preservation Board.

Amendment No. 1 (Committee Amendment No. 1)

Representative Goolsby offered the following committee amendment to **HB 2877**:

Amend **HB 2877** by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Section 445.011, Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) The museum may establish a membership program.

(h) Notwithstanding other law, for purposes of Subchapter H, Chapter 659, as added by Chapter 76, Acts of the 74th Legislature, Regular Session, 1995:

(1) the museum is considered an eligible charitable organization entitled to participate in a state employee charitable campaign under Subchapter H, Chapter 659; and

(2) a state employee is entitled to authorize a deduction for contributions to the museum, including contributions for museum membership, as a charitable contribution under Section 659.132, and the museum may use the contributions for museum purposes.

SECTION _____. The Bob Bullock Texas State History Museum is entitled to participate in the state employee charitable campaign conducted during the autumn of 2001 without regard to any limitation on the time during which an organization must apply to participate in the campaign.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Chisum, Representative Goolsby offered the following committee amendment to **HB 2877**:

Amend **HB 2877** by striking existing SECTION 7 of the bill (introduced version, page 4, lines 26 and 27) and substituting the following:

SECTION 7. Sections 443.0101(d) and 445.002(c), Government Code, are repealed.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Goolsby offered the following amendment to **HB 2877**:

Amend **HB 2877** as follows:

(1) On page 1, line 5 (introduced version), between "is amended" and "to", insert "by amending Subsection (b) and adding Subsection (c)".

(2) On page 1, strike lines 7-11 (introduced version).

Amendment No. 3 was adopted without objection.

HB 2881 (by Keel), A bill to be entitled An Act relating to continuing education programs for peace officers and county jailers.

Amendment No. 1

Representative Keel offered the following amendment to **HB 2881**:

Amend **HB 2881** as follows:

(1) On page 1, strike lines 5 and 6, and substitute the following:

SECTION 1. Section 1701.351, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(2) On page 1, between lines 10 and 11, insert the following:

(c) The commission shall credit a peace officer with meeting the continuing education requirements of this section if during the relevant 24-month period the peace officer serves as an elected member of the legislature. Credit for continuing education under this subsection does not affect any requirement to demonstrate continuing weapons proficiency under Section 1701.355.

(3) On page 2, between lines 24 and 25, insert the following section and renumber the subsequent section of the bill appropriately:

SECTION 3. The change in law made by Section 1701.351(c), Occupations Code, as added by this Act, applies to any 24-month period under Section 1701.351, Occupations Code, that ends after the effective date of this Act.

Amendment No. 1 was adopted without objection.

CSHB 2908 (by Hawley, Delisi, Hunter, and Noriega), A bill to be entitled An Act relating to transferring the Texas Strategic Military Planning Commission to the office of the governor.

CSHB 2988 (by Gutierrez), A bill to be entitled An Act relating to the execution of bonds and the sale of loans by the Veterans' Land Board.

CSHB 3015 (by Crownover), A bill to be entitled An Act relating to regulation of the issuance of a security to a charitable organization.

HB 3017 was withdrawn.

CSHB 3024 (by Chisum), A bill to be entitled An Act relating to the powers of the Panhandle Groundwater Conservation District.

CSHB 3044 (by Luna), A bill to be entitled An Act relating to the desalination of water.

CSHB 3144 (by Hartnett), A bill to be entitled An Act relating to incapacitated persons, wards, and former wards.

CSHB 3162 (by F. Brown), A bill to be entitled An Act relating to the payment of fees or costs to certain political subdivisions by credit card.

HB 3192 (by Puente and Longoria), A bill to be entitled An Act relating to associate judges appointed by the district courts of Bexar County.

CSHB 3193 (by Puente), A bill to be entitled An Act relating to the number of members of the governing body of certain home-rule municipalities.

SB 1287 (E. Jones - House Sponsor), in lieu of **HB 3197**, A bill to be entitled An Act relating to the financing of certain housing and nonhousing facilities by a housing finance corporation.

Representative E. Jones moved to lay **HB 3197** on the table subject to call.

The motion prevailed without objection.

HB 3247 (by Hinojosa), A bill to be entitled An Act relating to the collection of money by certain prosecuting attorneys.

HB 3265 (by G. Lewis), A bill to be entitled An Act relating to notice to higher education students of the sanctions for failure to timely pay tuition and fees.

CSHB 3285 (by Farrar), A bill to be entitled An Act relating to the issuance and refunding of anticipation notes and the financing of certain contracts by certain political subdivisions.

CSHB 3355 (by McReynolds), A bill to be entitled An Act relating to water quality management plans for agricultural and silvicultural facilities.

HB 3358 was withdrawn.

CSHB 3383 (by Y. Davis), A bill to be entitled An Act relating to the exemption from ad valorem taxation for certain community housing development organizations.

CSHB 3404 (by T. King), A bill to be entitled An Act relating to the classification of the use of water for purposes of fees and regulations imposed by, and the repeal of certain statutes applicable to, the Edwards Aquifer Authority.

CSHB 3413 (by McClendon), A bill to be entitled An Act relating to the exemption of a public housing authority from competitive bidding requirements for certain activities.

CSHB 3414 (by McClendon), A bill to be entitled An Act relating to the powers of public housing authorities regarding the development and operation of housing projects.

HB 3421 (by Farabee), A bill to be entitled An Act relating to the licensure of Physician Assistants.

HB 3491 (by Hinojosa), A bill to be entitled An Act relating to the training of law enforcement officers and recruits on dual arrests and the determination of predominant aggressors in family violence situations.

CSHB 3567 (by Marchant), A bill to be entitled An Act relating to permitting land mortgage loans from the veterans' land fund.

CSHB 3586 (by Hartnett), A bill to be entitled An Act relating to an additional fee for filing civil cases in certain Dallas County courts.

HB 3627 (by Hope), A bill to be entitled An Act relating to the creation of the County Court at Law No. 4 of Montgomery County and to the jurisdiction, operation, and administration of the county courts at law in Montgomery County.

CSHB 3634 (by Farrar), A bill to be entitled An Act relating to the creation of the Greater Northside Management District; providing authority to impose a tax and issue bonds.

HB 3639 (by Danburg and Woolley), A bill to be entitled An Act relating to the expansion of the boundaries and the number of members of the board of the Upper Kirby Management District.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Shields, Representative Danburg offered the following committee amendment to **HB 3639**:

Amend **HB 3639** as follows:

- (1) On page 64, strike lines 25 through 27 and substitute the following:
 - (1) Judy Penner, position six;
 - (2) Tom Lippincott, position seven;
 - (3) Jay Baker, position eight; and
- (2) On page 65, strike line 1 and substitute the following:
 - (4) Al Keller, position nine.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Danburg offered the following amendment to **HB 3639**:

Amend **HB 3639** on page 7, between lines 6 and 7, by inserting the following:

Save and except two tracts of land. Said tracts vary in width and lie between the centerline of Edloe Street and the centerline of Greenbriar Drive. All of that tract of land conveyed to Reliant Energy HL&P (Houston Lighting and Power Company) by deed recorded under Volume 2218, Page 271, and part of that tract of land conveyed to Reliant Energy HL&P (Houston Lighting and Power Company) by deed recorded under Volume 1943, Page 256 of the Harris County Deed Records, Harris County, Texas.

Amendment No. 2 was adopted without objection.

HB 3640 (by Uher), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Coastal Plains Groundwater Conservation District and the authorization of the district to impose an ad valorem tax.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative Y. Davis offered the following committee amendment to **HB 3640**:

Amend **HB 3640** on page 4, line 4, by striking "Bob Pennington" and substituting "Deedy Huffman".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Counts, Representative Y. Davis offered the following committee amendment to **HB 3640**:

Amend **HB 3640** (Introduced version) on page 4 by striking lines 23-27 and on page 5 by striking line 1 and substituting:

(d) At the first election after the county commissioners precincts are redrawn under Section 18, Article V, Texas Constitution, each director in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, shall serve, unless otherwise removed as provided by law, in the position to which each was elected for the entire term to which elected, even though the change in boundaries places the director's residence outside the precinct from which the director was elected.

Amendment No. 2 was adopted without objection.

HB 3641 was withdrawn.

HB 3642 (by Counts), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Lower Seymour Groundwater Conservation District; authorizing a tax.

Amendment No. 1 (Committee Amendment No. 1)

Representative Counts offered the following committee amendment to **HB 3642**:

Amend **HB 3642** as follows:

(a) On page 3, line 26, insert "of the district" after the word "election" and before the word "after".

(b) On page 5, line 17, strike "first even-numbered" and insert "second".

Amendment No. 1 was adopted without objection.

HB 3646 (by Kitchen, Naishtat, Maxey, Dukes, and Keel), A bill to be entitled An Act relating to the jurisdiction of and procedure in a county court at law in Travis County.

HB 3647 (by Glaze), A bill to be entitled An Act relating to the creation of the Smith County Economic Development District; providing the authority to impose a tax and issue bonds.

HB 3651 (by Morrison), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Goliad County Groundwater Conservation District.

HB 3652 (by Morrison), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Lavaca County Groundwater Conservation District.

HB 3655 (by Kolkhorst, Williams, and Ellis), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Bluebonnet Groundwater Conservation District.

HB 3660 was withdrawn.

HB 3661 (by Craddick), A bill to be entitled An Act relating to the powers, duties, and board of managers of the Reagan Hospital District of Reagan County, Texas.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Ramsay, Representative Craddick offered the following committee amendment to **HB 3661**:

Amend **HB 3661** on page 7, between lines 19 and 20, by inserting the following:

(n) The directors may participate in any group health insurance plan sponsored by the district for district employees.

Amendment No. 1 was adopted without objection.

HB 3662 (by Thompson), A bill to be entitled An Act relating to the administration of the justice courts of Harris County.

HB 3664 (by Thompson), A bill to be entitled An Act relating to the authority of criminal law hearing officers in certain counties to enforce certain judgments and orders.

HB 3674 (by Counts), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Clear Fork Groundwater Conservation District; authorizing a tax.

Amendment No. 1 (Committee Amendment No. 1)

Representative Counts offered the following committee amendment to **HB 3674**:

Amend **HB 3674** as follows:

(a) On page 3, line 27, insert "of the district" after the word "election" and before the word "after".

(b) On page 5, line 18, strike "first even-numbered" and insert "second".

Amendment No. 1 was adopted without objection.

CSHCR 84 (by Maxey and Capelo), Memorializing congress to expand the number of community health centers and other community-based safety-net programs serving the poor and medically underserved communities.

HCR 174 (by McCall), Expressing the public policy relating to software piracy.

HCR 237 (by Counts), Designating the Double Mountain Fork of the Brazos River in southern Stonewall County as a site of unique value for the construction of a reservoir.

SB 54 (Noriega and Naishtat - House Sponsors), A bill to be entitled An Act relating to reports by health and human services agencies on the efforts to deliver health and human services to young Texans.

SB 68 (McCall, Truitt, B. Turner, and Naishtat - House Sponsors), A bill to be entitled An Act relating to protective orders with regard to dating violence.

SB 201 (J. Jones - House Sponsor), A bill to be entitled An Act relating to authorizing counties and municipalities to provide information and to enter into contracts for the payment of taxes, fees, or other charges through the Internet.

SB 203 was withdrawn.

SB 276 (Solomons - House Sponsor), A bill to be entitled An Act relating to the application of a seal to an electronic document.

SB 335 (J. Jones - House Sponsor), A bill to be entitled An Act relating to an interlocal cooperation contract between a local government in this state and a local government in another state.

SB 399 (Y. Davis - House Sponsor), A bill to be entitled An Act relating to the operation of a vehicle with a child in an open bed of the vehicle or in the open bed of a trailer being towed by the vehicle.

Amendment No. 1

Representative Y. Davis offered the following amendment to **SB 399**:

Amend **SB 399** as follows:

(1) In SECTION 1 of the bill, after the semicolon in Section 545.414(c)(3), Transportation Code (Committee Printing, page 1, line 21), strike "or".

(2) In SECTION 1 of the bill, in Section 545.414(c), Transportation Code, between "household" and the period (Committee Printing, page 1, line 23), insert the following: "; or

(5) operating the vehicle in a hayride permitted by the governing body of or a law enforcement agency of each county or municipality in which the hayride will occur".

Amendment No. 1 was adopted without objection.

SB 462 (D. Jones - House Sponsor), A bill to be entitled An Act relating to certain fees for students attending institutions in the Texas Tech University System.

SB 519 (Gutierrez - House Sponsor), A bill to be entitled An Act relating to requiring a state agency that adjusts a local matching funds requirement to submit an annual report.

SB 628 was previously passed.

SB 665 (Gray and Naishtat - House Sponsors), A bill to be entitled An Act relating to the creation of an office within the Health and Human Services Commission for coordinating the delivery of early childhood services.

SB 718 (Isett - House Sponsor), A bill to be entitled An Act relating to membership of the board of directors of the Lubbock Reese Redevelopment Authority.

SB 788 (Averitt - House Sponsor), A bill to be entitled An Act relating to certain suits by perpetual care cemetery plot owners.

SB 802 was previously passed.

SB 884 (Walker - House Sponsor), A bill to be entitled An Act relating to eligibility to vote in an election held by an irrigation district.

SB 945 (E. Jones - House Sponsor), A bill to be entitled An Act relating to the publication of certain brochures for the federal special supplemental food program for women, infants, and children.

SB 966 (Goolsby - House Sponsor), A bill to be entitled An Act relating to preventing the consequences of theft, including retail theft; providing penalties.

SCR 25 (Pickett - House Sponsor), Memorializing congress to recognize the impact on Texas of the federal policy of opening the border to Mexican trucks in accordance with provisions of NAFTA.

SCR 29 (George - House Sponsor), Designating March 2001 as Colorectal Cancer Awareness Month in Texas.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Ramsay on motion of Homer.

HCR 261 - ADOPTED (by Craddick)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 261**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 261, Congratulating Dee K. Carter of Midland on his election as president of the Texas Association of Insurance and Financial Advisors.

HCR 261 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Craddick, who introduced Dee K. Carter, E. Kenneth Tooley, and Nancy Buchanan of the Texas Association of Insurance and Financial Advisors.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, upon first adjournment today, Desk 102, for a formal meeting, to consider pending matters.

ADJOURNMENT

Representative Danburg moved that the house adjourn until 10:15 a.m. today.

The motion prevailed without objection.

The house accordingly, at 10:09 a.m., adjourned until 10:15 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 38**HB 782, HB 1619****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Friday, April 27, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 63** Moncrief

Relating to a franchise tax credit for wages paid to persons with certain disabilities.

SB 70 Haywood

Relating to creating a covenant marriage.

SB 248 Carona

Relating to the exemption from ad valorem taxation of motor vehicles leased for personal use.

SB 532 Nelson

Relating to medical assistance for certain persons in need of treatment for breast or cervical cancer.

SB 535 Carona

Relating to the continuation and functions of the Texas Department on Aging.

SB 904 Bernsen

Relating to the prosecution and punishment of criminal offenses relating to making certain false statements or reports.

SB 1119 Armbrister

Relating to the regulation of bail bond sureties; providing a penalty.

SB 1245 Moncrief

Relating to reporting certain acts of misconduct by and background checks of certain employees and applicants for employment of certain health care agencies and facilities.

SB 1268 Madla

Relating to a surety bond obtained for a public project and executed by a surety company.

SB 1497 Ellis, Rodney

Relating to the sourcing of charges for mobile telecommunications services.

SB 1785 Nelson

Relating to the limit on assistance under the state program for assisting school districts with the payment of existing debt.

SB 1802 Truan

Relating to the annexation of additional territory and the composition of the port commission of the Port of Corpus Christi Authority of Nueces County, Texas.

Respectfully,

Betty King

Secretary of the Senate